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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1288 OF 2005
IN
SUIT NO.1195 OF 2005

Procter & Gamble & Health Care Ltd. and another).. Plaintiffs

Versus

V.L. Pharma).. Defendants

Mr.Nishad G. Nadkarni i/b.DSK Legal for the Plaintiffs.

None present for the Defendants.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 27TH JUNE 2006

P.C.:

. The Plaintiffs have filed the present Motion for an injunction restraining the Defendants from manufacturing the products which are deceptively similar to the Plaintiffs' products and packaging them in containers which have the distinctive features of the Plaintiffs' containers. The Plaintiffs are the owners of a registered trade mark known as "VAPORUB". The Defendants are marketing goods which are deceptively similar under the mark "VELORUB". The packaging of this product is also similar or deceptively similar to the packaging of the Plaintiffs product. Exhibits "W" and "X" demonstrate the packaging used by the Defendants' product which are deceptively similar to the Plaintiffs'

product shown at Exhibit "N" to the Plaint.

2. There is already an Undertaking given by the Defendants which is annexed at Exhibit "Y" to the Plaint wherein the Defendants have agreed not to manufacture, sell, advertise or offer for sale any products in the packaging material which is deceptively similar to the registered trade mark of the Plaintiffs. However the Defendants have prima facie breached this Undertaking.

3. There is already ad-interim injunction granted in terms of prayer clauses (a) to (e).

4. In view of the undertaking given by the Defendants, Motion made absolute in terms of prayer clauses (a) to (e).